THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.15031 of 2005

AND

CONTEMPT CASE No.1103 of 2005

–

DATED: 24-01-2006

Between:

M.Harinarayana . . .Petitioner

and

The Registrar, Osmania University, Hyderabad,

and others . . .Respondents

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COMMON ORDER:

The petitioner was employed as Deputy Foreman in the press of Osmania University. He was placed under suspension on 02-05-1997, on certain allegations. Departmental proceedings were initiated, apart from submission of a complaint to A.C.B. Complaining that he was kept under suspension for a prolonged period, the petitioner filed WP.No.22445 of 1999. The said writ petition was disposed of on 01-11-1999 along with two other similar writ petitions, directing the respondents herein to complete the disciplinary proceedings, within a period of three months from that date. It was further directed that in case further proceedings are not completed within that period, the petitioners therein shall be reinstated into service.

The petitioner was reinstated into service on 26-07-2000 and the disciplinary proceedings were continued thereafter. It was on 19-01-2002, the disciplinary authority passed an order, imposing penalty of reduction of pay scale of the petitioner and directing that the period of suspension shall be treated as extraordinary leave. Thereafter, the petitioner retired from service with effect from 30-06-2003.

This writ petition is filed alleging that though he was retired from service about two years ago, the respondents have not released the retirement benefits. On 01-08-2005, this Court passed an interim order directing the respondents to

release all the retirement benefits to the petitioner including pension, except an extent of Rs.13,854/-. The petitioner filed C.C.No.1103 of 2005 alleging that the orders of this Court are not complied with.

The respondents filed counter-affidavits in the writ petition as well as in the contempt case. The purport of the same is to the effect that the retirement benefits of the petitioner could not be released on account of pendency of certain matters. It is also stated that certain clarifications from various authorities were awaited particularly, as regards the entitlement of the petitioner to receive any emolument for the period, during which he was kept under suspension. It is further stated that in compliance of the directions issued by this Court, the petitioner was sanctioned pension
@ Rs.4,200/- per month and the question relating to adjustment of a sum of Rs.2,35,595/- representing the amount of subsistence allowance paid to the petitioner, is under consideration by the authorities. It is represented that necessary steps would be taken as soon as the clarification is received.

Heard the learned counsel for the petitioner and learned standing counsel for the respondents.

The grievance of the petitioner is about the inaction on the part of the respondents in releasing the retirement benefits. For one reason or the other, the respondents did not release the amounts to the petitioner over a period of two years. After this Court passed an interim order, they took necessary steps and released the pension. The respondents have also stated that the petitioner is entitled to a sum of Rs.1,00,000/- towards retirement gratuity and a sum of Rs.1,64,808/- towards commuted value of pension.

It is not in dispute that the disciplinary authority passed an order, dated 19-01-2002, directing that the pay scale of the petitioner be reduced and that the period of suspension be treated as extraordinary leave. The question as to whether the petitioner is entitled to be paid any amount for the period of suspension or the manner in which the amount of subsistence allowance paid to him must be treated during extraordinary leave, is said to be under consideration. The substantial portion of the grievance of the petitioner stands redressed, as of now, with the release of monthly pension. The respondents must finalise the other aspects of the matter, without any further delay.

So far as the contempt case is concerned, having regard to the fact that the respondents released the pensionary and other benefits to the petitioner through orders, dated 25-10-2005, it cannot be said that there was any deliberate or willful inaction on their part.

For the foregoing reasons, the writ petition is disposed of, directing that the respondents shall finalise the matter in relation to the payment of other benefits to the petitioner, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

The contempt case shall accordingly, stand closed.

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(L.NARASIMHA REDDY, J)

24th JANUARY, 2006.

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